

MINUTES

INDIANA RESPIRATORY CARE COMMITTEE

July 20, 2007

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Mr. Konkle called the meeting to order at 10:00 a.m. in Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana.

Committee Members Present:

Thomas Konkle, R.C.P., Chairman
Sally Park-Teelon, R.C.P., Member
Gary L. Smith, R.C.P., Member

Committee Members Absent:

Margaret Sullivan, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Elizabeth Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

PARK-TEELON/SMITH
Motion carried 3-0-0

III. ADOPTION OF THE MINUTES

A motion was made and seconded to adopt the minutes from the April 20, 2007 meeting of the Committee.

PARK-TEELON/SMITH
Motion carried 3-0-0

IV. APPEARANCES

A. APPLICATION

1. Thomas Edward Bryant, II

Mr. Bryant appeared before the Committee, as requested, regarding his application for licensure by examination. On his application he answered "yes" to the question asking, "have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Mr. Bryant explained that in October 1989 he plead guilty to public intoxication and was sentenced to six (6) months probation. In October 1990 he had a DUI that was pled down to reckless driving and he served sixty (60) days in jail and completed one (1) year of probation. He advised he no longer drinks. Mr. Bryant is a 2007

graduate of Ivy Tech Community College and has taken and passed the NBRC examination. He does not hold a license at this time.

Committee Action: A motion was made and seconded to grant Mr. Bryant a respiratory care license.

KONKLE/SMITH
Motion carried 3-0-0

2. Joni Lee Bush

Ms. Bush appeared before the Committee, as requested, regarding her application for licensure by examination. On her application she answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that in 1994 she was charged with misdemeanor check deception. The money in her account was \$.18 short of the check she wrote and she was out of town for a death in the family and was not aware of the court date that was set. She entered a guilty plea and paid a fine and has had no trouble with the law since. Ms. Bush is a 2007 graduate of Ivy Tech Community College and has taken and passed the NBRC examination. She does not hold a license at this time.

Committee Action: A motion was made and seconded to grant Ms. Bush a respiratory care license.

SMITH/PARK-TEELON
Motion carried 3-0-0

3. Elizabeth Ann Flores

Mr. Flores appeared before the Committee, as requested, regarding her application for licensure by examination. On her application she answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that in October 1989 she had a domestic dispute with her now ex-husband and was charged with a Class C misdemeanor and given six (6) months unsupervised probation. She has had no trouble with the law since. Ms. Flores is a 2007 graduate of Ivy Tech Community College and she has taken and passed the NBRC examination. She holds an Indiana student temporary permit at this time.

Committee Action: A motion was made and seconded to grant Ms. Flores a respiratory care license.

KONKLE/PARK-TEELON
Motion carried 3-0-0

4. Cheryl Jeanene Hagler

Ms. Hagler appeared before the Committee, as requested, regarding her application for licensure by endorsement. On her application she answered "yes" to question 2 asking, "Has disciplinary action ever been taken regarding any license, certificate, registration or permit you hold or have held?" She explained that she was terminated from Park Ridge Hospital in September 2005 because she was unable to attend work due to her incarceration. She also answered

"yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that in September 2005 her boyfriend at the time was a severe alcoholic who had seizures and episodes of drinking to unconsciousness. He was living with his parents and Ms. Hagler received a call from him, when she went to check on him it appeared no one was home and she was unable to get him to come to the door. She panicked and broke a window to gain entry and his mother appeared in the house very upset. Ms. Hagler stated that his family did not like her and they pressed breaking and entering charges on her. The police searched Ms. Hagler's vehicle and found a bag of charcoal in her groceries and also charged her with arson. Ms. Hagler explained she was incarcerated and did not have money for a proper attorney. Her court appointed attorney advised her to plead guilty to breaking and entering and the arson charge would be dropped. Ms. Hagler regrets entering that plea and explained her desire to continue practicing respiratory care. She has had no incidents with the law since that time. Ms. Hagler is a 1991 graduate of Greenville Technical College and has taken and passed the NBRC examination. She holds a license in North Carolina and South Carolina.

Committee Action: A motion was made and seconded to grant Ms. Hagler a respiratory care license.

KONKLE/PARK-TEELON
Motion carried 3-0-0

5. Ralph Edward Hardy

Mr. Hardy appeared before the Committee, as requested, regarding his application for licensure by examination. On his application he answered "yes" to question 4 asking, "Are you now or have you ever been treated for drug and alcohol abuse?" He also answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Mr. Hardy explained to the Committee that in September 1983 he was arrested for a DUI and plead guilty. He paid a fine and his driver's license was restricted for one (1) year. In February 1986 he plead guilty to another DUI which was a Class D felony. He paid a fine, his driver's license was suspended for one (1) year, he completed one (1) year of probation, and attended an alcohol program. He completed a thirty (30) day inpatient alcohol abuse program in 1986. He told the Committee his past work experience was fourteen (14) years in a packing house and ten (10) years in an automotive factory. He wanted a career change and went to school for respiratory therapy. Mr. Hardy is a 2007 graduate of Ivy Tech Community College and has taken and passed the NBRC examination.

Committee Action: A motion was made and seconded to grant Mr. Hardy a respiratory care license.

KONKLE/SMITH
Motion carried 3-0-0

6. Anna Mae Humphrey

Ms. Humphrey appeared before the Committee, as requested, regarding her application for licensure by endorsement. On her application she answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained

to the Committee that in February 2002 she attended her daughter's basketball game and got into a verbal altercation with her daughter's coach after learning that the coach "cussed out" her daughter. She was told to leave the game because the principal did not want her there. The following Monday Ms. Humphrey received a call from her daughter while she was at school and said she heard Ms. Humphrey was wanted by the police. Ms. Humphrey learned that the coach pressed assault and disorderly conduct charges against her and Ms. Humphrey turned herself in to the police. Ms. Humphrey was found not guilty of assault and guilty of disorderly conduct. She paid a fine and was given a ninety (90) day suspended jail sentence. Ms. Humphrey has had no trouble with the law since. Ms. Humphrey is a 1988 graduate of California Paramedical and Technical College and has taken and passed the NBRC examination. She holds a license in Virginia, South Carolina, and Ohio.

Committee Action: A motion was made and seconded to grant Ms. Humphrey a respiratory care license.

PARK-TEELON/SMITH
Motion carried 3-0-0

7. Terence William Lewis

Mr. Lewis failed to make his personal appearance before the Committee. He will be sent another letter to reschedule his appearance for the October meeting.

8. Lisa Anne Mahoney

Ms. Mahoney appeared before the Committee, as requested, regarding her application for licensure by endorsement. On her application she answered "yes" to question 2 asking, "Has disciplinary action ever been taken regarding any license, certificate, registration or permit you hold or have held?" She explained that her Ohio license had been disciplined because she was late renewing it in 2004, she paid a fine. She also answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained that in June 2003 her husband left her and this caused a very bad time in her life. In October 2003 she was arrested for a DUI which was reduced to Physical Control. She has not consumed alcohol since July 2005 and has had no further trouble with the law. Ms. Mahoney meets the criteria for waiver of the educational requirement because she has been actively practicing since 1987 in Ohio and she did take and pass the NBRC examination when Ohio became a licensure state but the NBRC will not release her score to any state but Ohio. The Committee is familiar with this practice and accepts that Ohio is aware of her passing score.

Committee Action: A motion was made and seconded to grant Ms. Mahoney a respiratory care license.

KONKLE/PARK-TEELON
Motion carried 4-0-0

9. Sara Collette Simon

Ms. Simon appeared before the Committee, as requested, regarding her application for licensure by examination. On her application she answered "yes" to question 5b asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" She explained

to the Committee that in April 2000 she received a minor in possession of alcohol citation while at a party. She paid a fine and has had no trouble with the law since then. Ms. Simon is a 2007 graduate of Ivy Tech Community College and has taken and passed the NBRC examination. She holds a student permit at this time.

Committee Action: A motion was made and seconded to grant Ms. Simon a respiratory care license.

PARK-TEELON/SMITH
Motion carried 3-0-0

10. Adrienne Lynn Whechel

Ms. Whechel appeared before the Committee, as requested, regarding her application for licensure by examination. On her application she answered "yes" to question 2 asking, "Has disciplinary action ever been taken regarding any license, certificate, registration, or permit you hold or have held? She also answered "yes" to question 6 asking, "Have you ever been denied staff membership or privileges in any hospital or health care facility or had such membership privileges revoked, suspended, or subjected to any restrictions, probation or other type of discipline or limitations?" She explained to the Committee that in 2003 her CNA license was revoked due to an incident that occurred in May 2002. While working at Manor Care in Kokomo, Indiana she was carrying a spray bottle and water was leaking from it. When she tried to unscrew the lid and straighten it before putting it back in the dresser drawer the lid pulled off and water flew out of the bottle and accidentally splashed a resident. The resident became extremely irate and when another aide entered the room asking what had happened the resident said Ms. Whechel dumped water on her. Ms. Whechel said she apologized profusely and tried to calm the resident down. The resident remained convinced that Ms. Whechel had done this purposefully. Ms. Whechel was terminated and her CNA license was revoked. She submitted several letters of recommendation to the Committee attesting to her work ethic and exemplary behavior. Ms. Whechel is a 2007 graduate of Ivy Tech Community College and has taken and passed the NBRC examination. She does not hold a license at this time.

Committee Action: A motion was made and seconded to grant Ms. Whechel a respiratory care license.

KONKLE/SMITH
Motion carried 3-0-0

B. RENEWAL

There were no renewal applicants for review.

V. ADMINISTRATIVE HEARINGS

- A. State of Indiana v. Steve Krieg, R.C.P., License No. 30000157A**
Administrative Cause No. 2005 RCC 0004
Re: Request to Withdraw Order of Probation

Parties and Counsel Present:

Respondent was present and was not represented by counsel
The State of Indiana was not represented
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)
Ms. Park-Teelon
Mr. Smith

Case Summary: The Respondent petitioned the Committee for a hearing to consider withdrawal of his Probationary Order. Respondent's license was placed on probation subject to certain terms and conditions for a period of two (2) years on April 12, 2005 following his appearance for his license renewal. On his renewal application he answered "yes" to a question asking, "Since you last renewed, have you been charged with or convicted of a crime, or have charges been dismissed?" At his personal appearance he reported that in December 2001 he was arrested and convicted for a DUI. He paid a fine, completed community service, and entered an intensive outpatient treatment program. At this hearing he testified that he has fully complied with the terms and conditions of his probationary order, he does not drink, and is employed at Ball Memorial and Select Specialty Hospital.

Committee Action: A motion was made and seconded to grant the Respondent's petition and withdraw the probation order.

KONKLE/PRAK-TEELON
Motion carried 3-0-0

B. State of Indiana v. Cheryl Kay Martin, R.C.P., License No. 30002982A

Administrative Cause No. 2006 RCC 0009

Re: Final Hearing

Parties and Counsel Present:

Respondent was present and was not represented by counsel
Shelley Johnson, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)
Ms. Park-Teelon
Mr. Smith

Case Summary: On November 6, 2006 a complaint was filed against the Respondent by the Attorney General's Office. On June 13, 2003 the Respondent had been chosen in a random audit of continuing education for the period of January 1, 2001 through December 31, 2002. Respondent was asked to provide proof of fifteen (15) hours of continuing education and she provided proof of zero (0) hours. The Respondent testified that in October 1999 she was injured at work and had a spinal fusion. Since that time she has had five (5) additional back surgeries. She stated she knew she needed continuing education and sent in a letter requesting a waiver of the continuing education requirement but did not hear anything back until she received the complaint from the Attorney General's office. She advised that she is on permanent disability and cannot work, and she was not aware she had violated the law. Respondent entered into evidence exhibit A which are papers from the Social Security Administration granting her disability. Respondent also entered into evidence exhibit B which is papers from her physician showing another upcoming back surgery. The state entered into evidence exhibit #1 which is a certified letter

sent to the Respondent from the Health Professions Bureau advising her she had been chosen in the audit and the certified card was signed for by LD on June 27, 2003. The Respondent stated she did not sign for that letter and does not know who LD is. The State entered into evidence exhibit #2 which is a copy of the renewal application signed by the Respondent. The Respondent stated that her license had been grandfathered in and she knew that if she let it expire she would not qualify for licensure under the current laws and she intended to get continuing education and one day return to work but it just didn't happen that way. The Committee questioned the Respondent as to why her signature on the renewal looks like the writing on the certified mail card. The Respondent could not explain this but did not remember signing for the certified mail card. The State entered into evidence exhibit #3 which is the audit form showing that no continuing education had been received. The State entered into evidence exhibit #4 which is a letter from attorney Rodney V. Shrock that states the Respondent worked thirteen (13) days from February 16, 2001 to April 19, 2002 on an expired license. The Respondent told the Committee she would like to surrender her license to practice respiratory care. The State requested that Committee impose discipline against the Respondent.

Committee Action: A motion was made and seconded to accept a surrender of the Respondent's license in lieu of taking disciplinary action with the stipulation that she may never apply for licensure in Indiana.

KONKLE/PARK-TEELON
Motion carried 3-0-0

- C. State of Indiana v. William M. Nichols, R.C.P., License No. 30003555A**
Administrative Cause No. 2007 RCC 0004
Re: Emergency Suspension

Parties and Counsel Present:

Respondent was present and was represented by Counsel Scott Quick
Shelley Johnson, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)

Ms. Park-Teelon

Mr. Smith - *He noted for the record that he knows of the Respondent because he used to work at St. Vincent's but he knows nothing of his personal life and does not feel he needs to recuse himself.

Case Summary: A ninety (90) day Summary Suspension was imposed against the Respondent's license on May 2, 2007 following a hearing where testimony was given that caused the Committee to find that the Respondent represented a clear and immediate danger to the public health and safety if allowed to practice as a respiratory care practitioner. The testimony given by Officer Anthony West of the Brownsburg Police Department, and exhibits 1-6 which were entered into evidence showed that on Tuesday January 2, 2007 Officer West was sent to the Respondent's home to assist the Respondent's estranged wife in retrieving a book bag. Mrs. Nichols asked for police assistance because when she went to the residence earlier she claimed to have overheard a conversation between the Respondent and another man discussing the possibility of purchasing an eight (8) ball of crack cocaine. Officer West heard two men talking in the garage and upon knocking on the door of the house the voices in the garage became silent. Officer West knocked on the garage door and a few minutes later a man exited the garage and told the Officer

something was wrong with the Respondent. Officer West looked through a window and located the Respondent pacing back and forth in the kitchen. Officer West asked the Respondent to come outside and he complied. Officer West testified that both men had an odor associated with alcoholic beverages. Officer West stated the Respondent seemed nervous and he asked if they could speak inside due to the cold temperature and the Respondent agreed. Officer West was joined by Officer Pyatt of the Brownsburg Police Department who spoke with the Respondent about drug activity due to the statement his wife overheard earlier. The Respondent stated there were no drugs inside the house. Officer Pyatt asked the Respondent for consent to search the house and the Respondent refused. Officer Pyatt walked to the garage area and observed a rolled up piece of aluminum foil with burnt edges in the trash. Officer Pyatt asked the Respondent if he could look inside the aluminum foil and the Respondent granted permission. Officer Pyatt stated it had the residue and scent of burnt marijuana. The Respondent was read his Miranda rights and indicated he understood and agreed to a consensual search of his residence. The search of the garage resulted in the Officer's locating approximately 80 grams of marijuana, a used liquid vial of Fentanyl Citrate, several smoking pipes, hemostats, and several containers. The search of the residence revealed a biohazard container commonly used to collect urine samples sitting on a shelf in the master bedroom. Inside the container were many different types of pills. The Respondent's explanation for the pills was that he had been a respiratory therapist and he had collected the pills off the floor to keep them "from falling into the wrong hands". When he would get home he would discover them in his pockets so he put them in the biohazard container. The Respondent was arrested for possession of drug paraphernalia and was charged with Possession of a Legend Drug, Class D Felony; Possession of Schedule I, II, III, or IV Controlled Substances, Class D Felony; Possession of Marijuana greater than 30 grams, Class D Felony; and Possession of Drug Paraphernalia, Class A Misdemeanor. On March 25, 2007 the Respondent was arrested for a DUI, Class A Misdemeanor, while out on bond for the previously described felonies. On April 9, 2007 the Respondent was arrested for a DUI two days after being released from jail on the previous DUI charge. On April 12, 2007 the Respondent's bond on all of his previous charges was revoked and he was ordered incarcerated without bond. At this hearing, Respondent's counsel informed the Committee that his client refutes those drug charges and the drug charges have been dismissed. The State explained the drug charges were dismissed due to an irregularity in the search of the residence. The State advised that the two DUI charges remain. The State entered into evidence exhibit #1 which are court documents concerning the Respondent's charges. Respondent's attorney told the Committee that the Respondent has placed himself in Proactive Resources, an addiction counseling program, and has had fourteen (14) years of a good working record. He argued that what basis there had been to issue an Emergency Suspension has been removed and Respondent would like to get back to work. The State questioned Respondent with regards to his past work record concerning his employment with Wishard Hospital from approximately 2003 to 2005. Respondent stated that he quit because his supervisor accused him of sleeping on the job and he claims that was not true. The Respondent admitted he is not employed at this time because he lost job due to his incarceration following his second DUI arrest. He explained the treatment program he is in is a 12-step program that is two (2) classes per week and he is on the third step. The State asked the Respondent what the third step is and he could not answer the question. He was then asked what the first step is and he could not answer that question either. Respondent's attorney stated that his client is very nervous and is going through a divorce that has kept him from regular visitation with his child, bankruptcy, a foreclosure on his house, and his vehicle has been repossessed. His lack of employment has caused an extreme financial hardship. The Respondent stated he is seeing an addictionologist and will be randomly drug tested as the court sees fit. On August 8, 2007 he will attend a survivor speak-out listening to victims who have been

impacted by drunk drivers. He advised April 19, 2007 is his sobriety date and he regrets the mistakes he has made. The Committee questioned the Respondent as to why he had the pills in his house. Respondent's attorney objected because those charges had been dismissed. Advisory counsel for the Committee explained to Respondent's counsel the drug charges are not admissible in a criminal court but are allowed in these proceedings. The Respondent gave two reasons, first he had multiple prescription bottles in his bathroom cabinet and he combined them all in a cup so there were no bottles. Secondly, he stated he would find pills on the floor at the hospital and he picks them up and puts them in the nearest sharps container but sometimes he would put them in his pocket until he could find a sharps container but would forget and take them home accidentally. The Committee expressed what a bad decision that was and he should have turned those pills in immediately. Furthermore they questioned how rare it would be to find a pill lying on the floor. The State asked the Committee to decide whether the Respondent continues to present a clear and immediate danger to the public health and safety.

Committee Action: A motion was made and seconded to not renew the Emergency Suspension as the Respondent does not present a clear and immediate danger to the public health and safety.

KONKLE/SMITH
Motion carried 2-0-1
Ms. Park-Teelon abstained

The Committee requested Ms. Johnson to file charges based upon the pending DUIs.

- D. State of Indiana v. Richard S. Schlomer, R.C.P., License No. 30000946A**
Administrative Cause No. 2004 RCC 0003
Re: Respondent's Motion to Reinstate

Parties and Counsel Present:

Respondent was present and was not represented by counsel
Shelley Johnson, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Board Members:

Mr. Smith (Hearing Officer)
Ms. Park-Teelon
Mr. Konkle - *Noted for the record that the Respondent was one of his students so he will abstain from voting in this matter.

Case Summary: In 1999 Respondent was charged with Possession of Marijuana, a Class A Misdemeanor and he pled guilty to this offense in April 2000. The Respondent renewed his respiratory care license in December 2000 and failed to answer "yes" to the question asking, "Have you been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" A Complaint was filed against the Respondent's respiratory care license on February 16, 2004. The Respondent failed to appear in person or by counsel at the hearing on April 16, 2004. On August 18, 2004 the Respondent's license was placed on Indefinite Suspension after he failed to respond to a Notice of Proposed Default that was issued by the Committee on April 30, 2004. A condition precedent to seeking reinstatement of his license was he must pay a fine in the amount of two thousand dollars (\$2,000.00). The Respondent requested this hearing for reinstatement and presented a money order to pay the fine. The Respondent told the Committee about his past mistakes and explained he spent some time incarcerated from July 2004 to October 2006 after he was convicted of Possession of Methamphetamine and

Possession of Chemical Reagents which could be used in the manufacturing of Methamphetamine. While incarcerated he entered a drug and alcohol treatment program and stated he has been clean and sober since July 24, 2004. Respondent entered into evidence exhibit #1 which was a portfolio of certificates of completion for the treatment program and copies of continuing education he has done recently showing a total of twenty-nine (29) hours. He further stated that he did so well in the treatment program that he was asked to stay and teach which he did for one (1) year. Since his release he has been self-employed as a bricklayer. The Respondent expressed a strong desire to return to the practice of respiratory care and stated he understands that it may be difficult to get a job due to his past convictions. The State expressed many concerns about the Respondent returning to the practice of respiratory care and recommended a lengthy probation if the Committee did choose to reinstate.

Committee Action: A motion was made and seconded to grant the reinstatement of the Respondent's respiratory care license on Indefinite Probation subject to certain terms and conditions for a period of two (2) years.

SMITH/PARK-TEELON
Motion carried 2-0-1
Mr. Konkle abstained

E. State of Indiana v. Lisa Zeigler Williams, R.C.P., License No. 30002238A
Administrative Cause No. 2006 RCC 0004
Re: Emergency Suspension and Final Hearing

Parties and Counsel Present:

Respondent was not present and was not represented by counsel
Laura Wilford, Deputy Attorney General for the State of Indiana
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)
Ms. Park-Teelon
Mr. Smith

Case Summary: The State requested the Committee to issue a Notice of Proposed Default against the Respondent because she is not responding to correspondence, her counsel is currently suspended from the Indiana State Bar and is therefore unable to represent her, and the criminal charges filed in Bedford have not yet been resolved.

Committee Action: A motion was made and seconded to issue a Notice of Proposed Default.

KONKLE/PARK-TEELON
Motion carried 3-0-0

The State requested the Committee to admit the testimony of the two (2) witnesses present at this hearing even though the Committee will not be making a decision regarding discipline until the next meeting. The State called its first witness, James Pittman, Vice President of Operations at Bedford Regional Medical Center. Mr. Pittman testified the Respondent was employed at Bedford Regional Medical Center from March 2005 to February 2006. The Respondent primarily worked in the Sleep Disorders Center but did some work in the Respiratory Therapy Department. Mr.

Pittman stated the Respondent met with him and Ms. Davis and was terminated for diverting controlled substances from patients. She was not scheduled to work the day she stole the patch she was to be working in another building. The State called its second witness, Brenda Davis, Vice President of Patient Services at Bedford Regional Medical Center. She testified that a nurse notified her of an event that took place February 4, 2006. A woman later identified as the Respondent entered a patient's room and informed the patient's daughter that she was going to listen to her chest. The patient yelled and the Respondent said her duragesic patch was stuck to her gown. The Respondent left the room and came back with tape and left a short time later. The nurse noticed the patient's patch was not adhered to the skin with the original clear adhesive patch but had been taped. The patient's daughter told the nurse no one had been in the room except for the Respondent. After learning of this incident Ms. Davis recalled an incident that occurred on January 30, 2006 involving an employee's husband who was a patient. The employee had told Ms. Davis that a woman in scrubs entered her husband's room and stated she was going to listen to his chest. The woman stated that his duragesic patch was loose and that she would replace the patch. The woman left with the patch and never returned. The employee identified the woman who took her husband's patch as the Respondent. Ms. Davis testified that when she and Mr. Pittman met with the Respondent she did not explicitly admit to having stolen the patches. The State requested that the Committee to extend the Summary Suspension of the Respondent's license for another ninety (90) days.

Committee Action: A motion was made and seconded to grant the extension of the Summary Suspension Order for another ninety (90) days.

KONKLE/PARK-TEELON
Motion carried 3-0-0

F. State of Indiana v. Valentina Wilson, R.C.P., License No. 30005856A

Administrative Cause No. 2003 RCC 0037
Re: Request to Withdraw Order of Probation

Parties and Counsel Present:

Respondent was present and was accompanied by her supervisor William Willer
The State of Indiana was not represented
Felicia Warren, Court Reporter

Participating Committee Members:

Mr. Konkle (Hearing Officer)
Ms. Park-Teelon
Mr. Smith

Case Summary: The Respondent petitioned the Committee for a hearing to withdraw her probation order. On April 25, 2003 the Respondent was granted a license to practice respiratory care on Indefinite Probation, subject to certain terms and conditions, for a period of two (2) years. The license was granted on probation due to the fact the Respondent had previous convictions which would have subjected her to discipline had she been licensed in Indiana when the act occurred. The Respondent had been convicted of a DUI in 1994 and she completed all of the requirements mandated by the court. At this hearing the Respondent stated she has fully complied with the terms and conditions of her probation order. Her supervisor, William Willer, testified that the Respondent has been a model employee.

Committee Action: A motion was made and seconded to grant the Respondent's petition and withdraw the probation order.

VII. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Committee.

VIII. OLD/NEW BUSINESS

There was no Old/New business discussed.

IX. DISCUSSION

A. Karen Allen, R.C.P., License No. 30000504A

Re: Request for Waiver of Retaking NBRC Examination for renewal

The Committee reviewed correspondence from Ms. Allen requesting a waiver of retaking the NBRC examination in order to renew her license which had expired on December 31, 2002. She listed events that have occurred in her life since 2001. The Committee asked Ms. Vaught to respond to Ms. Allen that the law requires all practitioners renewing a license that has been expired more than three (3) years to retake and pass an NBRC examination.

B. Administrative Rules

Re: Readoption of 844 IAC 1

Ms. Vaught explained to the Committee that every seven (7) years their rules expire and must be readopted. The Committee will need to recommend to the Medical Licensing Board of Indiana to readopt the rules.

Rules to be readopted without changes are as follows:

- 844 IAC 11-1 Definitions
- 844 IAC 11-3 Admission to Practice
- 844 IAC 11-4 Standards of Competent Practice Under the Direct Supervision of a Physician
- 844 IAC 11-5 Certification Renewal

After considering the factors pursuant to Indiana Code 4-22-2.4-3.1(c), the Board has determined that the following rules impose costs and requirements on small businesses:

- 844 IAC 11-3-3 Licensure by endorsement
- 844 IAC 11-3-4 Temporary permits by endorsement
- 844 IAC 11-4. Standards of Competent Practice Under the Direct Supervision of a Physician
- 844 IAC 11-5-1 Address; change of name
- 844 IAC 11-5-3 Continuing education hours required
- 844 IAC 11-5-4 Reporting continuing education
- 844 IAC 11-5-5 Approval of continuing education programs

Committee Action: A motion was made and seconded to readopt the rules of 844 IAC 1

KONKLE/PARK-TEELON
Motion carried 3-0-0

C. Continuing Education Audit for 2006 Renewal

Ms. Vaught informed the Committee the audit for the January 1, 2005 to December 31, 2006 renewal period has been completed. There were 200 practitioners chosen and of those 187 were in compliance and 13 failed to comply for various reasons. The practitioners who did not comply are:

Susan Bujna
Latoya Edwards
Ross England
David Henke
Troy Hensley
Charles Hodges
Bryan Holtcamp
Scott Morgan
Susan Nichols
Susan Polk
Lori Ridgley
Shannon Thomas
Traci Thompson
Sylvia Vaughn

Letters will be sent to those who failed to comply explaining what they need to do. Practitioners will be required to submit the civil penalty within twenty-one (21) days and acquire continuing education within six (6) months after receive notice of noncompliance.

X. APPLICATION REVIEW

- A. Endorsement**
There were no endorsement applications to review.
- B. Examination**
There were no examination applications to review.
- C. Credentials**
There were no credential applications to review.
- D. Temporary Permits**
There were no temporary permits to review.
- E. Student Permits**
There were no student permits to review.

XI. PROBATIONARY REPORT

A. Charles Hodges

Ms. Vaught informed the Committee that Mr. Hodges is not in compliance with his probation order of November 8, 2006. He has not submitted quarterly reports documenting his attendance at NA meetings.

Committee Action: A motion was made and seconded to issue an Order to Show Cause to Mr. Hodges.

KONKLE/SMITH
Motion carried 3-0-0

B. Susan Cate

Ms. Vaught informed the Committee that Ms. Cate is not in compliance with her probation order of November 13, 2006. She has not submitted a standing order from a physician for random urine test for drug and alcohol within the thirty (30) days from the date of the probationary order and completed twenty-two (22) hours of continuing education and submitted verification of said hours to the Committee within six (6) months of the date of the probationary order.

Committee Action: A motion was made and seconded to issue an Order to Show Cause to Ms. Cate.

KONKLE/SMITH
Motion carried 3-0-0

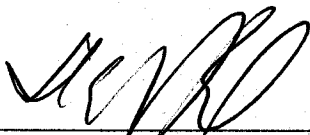
XII. CONTINUING EDUCATION

There were no applications for review regarding continuing education.

XIII. OTHER ITEMS FOR CONSIDERATION

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Respiratory Care Committee adjourned at 2:30 p.m.



Thomas Konkle, Chairman

Date